

ENTERED

September 09, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

POST OAK GRILL; ca LB RESTAURANTS, §
 Plaintiffs, §
 VS. §
 CERTAIN UNDERWRITERS AT LLOYD'S, §
 LONDON SUBSCRIBING TO POLICY NO. §
 CLU 54563, §
 Defendant. §

CIVIL ACTION NO. 4:20-CV-3846

ORDER

Before the Court are Defendant's Motion to Dismiss (the "Motion") (Doc. #5); Plaintiffs' Response to the Motion (Doc. #12); Defendant's Reply in Support of the Motion (Doc. #16); Plaintiffs' Opposed Motion for Leave to File a Sur-Reply (Doc. #19); Defendant's Opposed Motion for Leave to File Supplemental Authorities in Support of the Motion (Doc. #22); Defendant's Opposed Second Motion for Leave to File Supplemental Authorities in Support of the Motion (Doc. #25); and Defendant's Third Motion for Leave to File Supplemental Authorities in Support of the Motion (Doc. #30). Plaintiffs filed an Original Petition in state court (the "Petition"), seeking insurance coverage for business income loss relating to the COVID-19 pandemic. Doc. #1, Ex. C. Defendant timely removed to this Court. Doc. #1. Defendant now seeks to dismiss this case pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In the Response, Plaintiffs ask the Court to deny the Motion or grant leave to file an amended complaint to cure any deficiencies in the Petition.

Having considered the allegations in the Petition and multiple supplemental pleadings, the Court finds that an amendment is warranted. Accordingly, Plaintiffs' request for leave to amend the Petition is hereby GRANTED. Plaintiffs may file an amended complaint within fourteen (14)

days of the entry of this Order. It is further ORDERED that the remaining pending motions be DENIED AS MOOT.

It is so ORDERED.

September 9, 2021
Date

A handwritten signature in black ink, appearing to read 'AMB', with a long, sweeping horizontal stroke extending to the right.

The Honorable Alfred H. Bennett
United States District Judge